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Attorneys for Defendant Walmart Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

LAURIE LOCICERO-FARY,

Case No. 1:21-cv-853

Plaintiff,

v.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

WALMART INC.,

Defendant.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, § 1446, and § 1332(a),

Defendant Walmart Inc. (“Defendant”) removes this action from the Circuit Court of the State of Oregon for the County of Klamath to the United States District Court for the District of Oregon, Medford Division.

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RELEVANT FACTS

On May 12, 2021, Plaintiff completed service on Defendant with a Summons and Complaint captioned *Laurie Locicero-Fary v. Walmart Inc.*, Case No. 21CV17018, filed in the Circuit Court for the State of Oregon for the County of Klamath. *See* Declaration of Jessica M. Lancaster (“Lancaster Decl.”), ¶2. Copies of the Summons and Complaint and Certificate of Service are attached hereto as Exhibits A, B, and C respectively. *Id.* ¶¶2–3. These documents, taken together, constitute all process, pleadings, and orders served on Defendant in that action up to the present date. *Id.*

GROUND FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principle claims for relief against Defendant exceed \$75,000. Plaintiff seeks damages of \$300,000. Complaint at p. 3.
2. Plaintiff and Defendant are residents of different states. Plaintiff resides in Oregon. *See* Complaint ¶1. Defendant is registered with the Oregon Corporation Division as having its principal place of business headquartered in Bentonville, Arkansas. Lancaster Decl., ¶3; *see also* Defendant’s Corporate Disclosure Statement (being filed concurrently). Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).
3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Defendant. A copy

of the Certificate of Service provided by Plaintiff is attached hereto as Exhibit C. Lancaster Decl.,

¶2.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Klamath as of the date of this removal other than outlined herein.

5. Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Klamath and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that this action be removed from the Circuit Court for the State of Oregon for the County of Klamath and placed on the docket of the United States District Court for the District of Oregon in the Medford Division.

DATED this 4th day of June, 2021.

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

LAURIE LOCICERO-FARY,

Case No. 1:21-cv-853

Plaintiff,

CERTIFICATE OF SERVICE

v.

WALMART INC.,

Defendant.

I hereby certify that on the 4th day of June, 2021, I served the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT** as follows:

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Damian Idiart
Justin Idiart
Idiart Law
PO Box 3700
Central Point, OR 97502
Attorneys for Plaintiff

- By hand delivery
- By first-class mail*
- By electronic service through ECF system as identified on the Notice of Electronic Filing (NEF)
- By facsimile transmission
- Fax #:
- By e-mail:
damian@idiartlaw.com
justin@idiartlaw.com

*With first-class postage prepaid and deposited in Portland, Oregon.

DATED this 4th day of June, 2021.

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